

REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant respectfully notes that the title of the application has been amended to reflect the subject matter of the claims. As such, the title corresponds to: "Method and Apparatus for Retrieving Digital Video Data Using Successive Linear Approximation."

Furthermore, Applicant notes that various cosmetic amendments have been throughout the specification. Such amendments do not add subject matter to the specification.

Claims 1-20 have been deleted without prejudice; new Claims 21-43 have been added for examination. Applicant respectfully notes that no new subject matter has been added to the claims.

Claims 1-20 stand rejected under 35 U.S.C. §101 as the claimed subject matter was directed non-statutory subject matter. As stated above, Applicant has deleted Claims 1-20 and adds new Claims 21-43. In contrast to the Claims 1-20 which utilize mathematical operations without claiming a practical application, new Claims 21-43 utilize, inter alia, mathematical operations to retrieve digital video based upon a determination of a digital video starting point. The Federal Circuit in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1374 (1998) stated that "the mere fact that a claimed invention involves inputting numbers, calculating numbers, outputting numbers and storing numbers, in and of itself, would not render it nonstatutory subject matter, unless, of course, its operation does not produce a 'useful, concrete and tangible result.'" See MPEP §2106 (requiring that claims containing mathematical algorithm be directed at a practical result, i.e., a useful, concrete and tangible result). Applicant respectfully contends that new Claims 21-43 properly produce a useful, concrete and tangible results in that, among other things, it retrieves digital video stored in memory upon determining a starting point of digital video.

Applicant respectfully submits that the claims are in condition for allowance. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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